

REMARKS

The Office Action mailed November 4, 2008 has been reviewed and carefully considered and entry of this Amendment is respectfully requested.

Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested

Claims 1-18 are pending and stand rejected.

Claims 1-18 have been amended.

Claims 1, 17, and 18 are independent claims.

The Drawings are objected to for not being submitted. Claims 1-18 stand objected to for containing numeric references. Claims 1, 10, 13 and 17 stand rejected under 35 USC 112, second paragraph as being indefinite. Claims 1-18 stand rejected under 35 USC 102(b) as being anticipated by Hermann (EP no. 1024626).

With regard to the objection to the Drawing, applicant submits herewith copies of those drawings that were originally submitted with the application on January 25, 2005. No new matter has been added as these drawings have been part of the record of the instant application since the initial filing.

With regard to the objection to claims 1-18, applicant thanks the Examiner for his observation and has amended the claims to remove the reference numerals. In addition, applicant has elected to amend the ABSTRACT to remove references to the numerical labels.

With regard to the rejection of the claims under 35 USC 112, second paragraph, applicant respectfully disagrees with and explicitly traverses the rejection of the claims as the provided numerical references clearly disclose that the key record is associated with the worldwide unambiguous key record recited in claim 1.

However, in the interest of advancing the prosecution of this application, the claims have been amended to provide proper antecedent basis and clarification of the term "key

record." No new matter has been added. Support for the amendment may be found at least in the numerical references that have been removed from the claims.

With regard to the rejection of claims 1-18 under 35 USC 102(b) as being anticipated by Hermann, applicant respectfully disagrees with the reason for the rejection and explicitly traverses the rejection of the claims.

However, in order to advance the prosecution of this matter, independent claims 1, 17 and 18 have been amended to further recite "at least part of said key record is provided by a user to create a key record that is worldwide unambiguous." No new matter has been added. Support for the amendment may be found at least on page 6, lines 15-23 and page 12, lines 24-30.

Hermann discloses a method for exchanging information in a networked pervasive environment, wherein an authenticated and secure session can be achieved. Hermann discloses the initiation of a unidirectional wireless communication channel between a first device and a remote second device, whereby a sequence via the unidirectional wireless communication from the first device to the remote second device is sent in order to furnish the remote second device with encryption information. An encrypted response is sent via a wireless broadcast medium to the first device using the encryption information. Hermann further discloses the user sending from the first device a sequence that comprises an initiating token that contains a public K of the first device and a randomly chosen nonce. The second device responds to the received token by sending a public-key token back to the first device. The public key token created by the second system and sent back to the first device contains the concatenation of the public key of the second device and the received nonce and is encrypted using the public key of the first device. The first device decrypts the received information from the second device and transmits a communication parameter token back to the second device. (see para. 0047).

Hence, Hermann uses a well-known public/private key system to exchange encryption information between devices. Hermann fails to provide any information regarding how the public/private key is established and specifically fails to disclose that a

part of the key record is provided by the user to create a key record that is worldwide unambiguous, as is recited in the claims.

A claim is anticipated if an only if each of the elements recited in claims may be found in a single prior art reference.

In this case, Hermann cannot be said to anticipate the invention claimed, as Hermann fails to recite a material recited in each of the independent claims.

With regard to the rejection of the remaining claims, these claims depend from independent claim 1; and, hence, these claims are not anticipated by Hermann for at least their dependency upon an allowable base claim.

Applicant would further remark that the Office Action refers to paragraph 0039 for rejecting claims 4 and 5, which recite an input device for deriving a key record and for erasing a key record. However, a reading of this section reveals that Hermann merely is reciting a list of devices that may be used and fails to disclose that the device provides a means from which a key record may be derived. Although Hermann refers to Human Interface Device (HID) compliant peripherals, Hermann fails to provide any teaching regarding what function such HID devices perform.

Hence, applicant submits that Hermann fails to disclose any device as is recited in either claim 4 or 5.

For the amendments made to the claims, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

For all the foregoing reasons, it is respectfully submitted that all the claims are in allowable form and the issuance of a Notice of Allowance is respectfully requested.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,

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